

CRM-M-13917-2020

Date of decision : June 17, 2020

Manpreet Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. A.P. Singh, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No. 78 dated 16.07.2019 under Section 323, 324, 34 IPC (Section 326 IPC added later) registered at Police Station Sadar Kotkapura, District Faridkot.

It is submitted that initially FIR in this case was registered under Section 323, 324, 34 IPC and Section 326 IPC was added later on after receiving the x-ray report in respect to injury No. 1 (on the forehead, attributed to the petitioner). Learned counsel argues that the petitioner has been wrongly involved in the said FIR. As per the allegations in the FIR, the petitioner is attributed a *Kapa* blow on the forehead of the complainant namely Sukhmander Singh. It is submitted that it is a moot point whether the offence under Section 326 IPC is made out in this case. The petitioner is in custody since 28.01.2020. The injured was admitted in the hospital only for about three days and he is hale and hearty. The petitioner, it is submitted, is not involved in any other criminal case. No recovery has to be

effected from him. Moreover, the matter has been amicably resolved between the parties. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Hakam Singh, verifies that final report under Section 173 Cr.P.C/challan stands presented. The injured was discharged from the hospital after about three days of the incident. Learned counsel for the State, however, submits that she does not have any information regarding any amicable settlement between the parties nor would the same be material in a matter under Section 326 IPC. It is verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/Duty Magistrate, Faridkot.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

June 17, 2020

rts

Whether speaking/reasoned :

Whether reportable

:

(Lisa Gill)

Judge

Yes/No

Yes/No